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11 **UNITED STATES BANKRUPTCY COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**

14 In re
15 PG&E CORPORATION,
16 - and -
17 PACIFIC GAS AND ELECTRIC COMPANY,
18 Debtors.

19 Case No: 19-30088 (DM)
20 Chapter 7

21

22 **PANORAMIC INTERESTS' RESPONSE**
23 **TO DEBTORS' TWENTY-SECOND**
24 **OMNIBUS OBJECTION TO CLAIM**
25 **(SATISFIED CLAIMS)**

26

27 Date: November 17, 2020
28 Time: 10:00 a.m. (Pacific Time)
29 Room: (Telephonic Appearances Only)
30 United States Bankruptcy Court
31 Courtroom 17, 16th Floor
32 San Francisco, CA 94102

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34 Panoramic Interests (“Panoramic” or “Creditor”) hereby submit this *Response*
35 (“**Response**”) to *Debtors’ Twenty Second Omnibus Objection to Claim (Satisfied Claims)*
36 (“**Objection to Claim**”). This Response is supported by the declaration of Patrick Kennedy and
37 the Exhibit A, (the “**Panoramic Proof of Claim**”).

38

39 According to the Objection to Claim, Debtors are asserting that the Panoramic Proof of
40 Claim should be disallowed because the claim was already paid by the Debtors pursuant to the

1 *Final Order Pursuant to 11 U.S.C. §§ 105(a), 363(b), and 507(a)(7) and Fed. R. Bankr. P. 6003*
2 *and 6004 (I) Authorizing Debtors to (A) Maintain and Administer Customer Programs,*
3 *Including Public Purpose Programs, and (B) Honor Any Prepetition Obligations Relating*
4 *Thereto; and (II) Authorizing Financial Institutions to Honor and Process Related Checks and*
5 *Transfer* [Docket No. 843]

6 The documents submitted with the Panoramic Proof of Claim accurately reflect the
7 services provided and the fees that were to be paid for the services. The services relate to a
8 PG&E gas installation at 2711 Shattuck, Berkeley, California. The Panoramic Proof of Claim
9 accurately reflects the events that transpired between April 22, 2017 and June 4, 2018.

10 Contrary to Debtors' assertion in the Objection to Claim, Panoramic did not receive any
11 payment for the services identified on the documents submitted with the Panoramic Proof of
12 Claim.

13 On October 28, 2020, emails were sent to counsel for the Debtors, asking for a copy of
14 any payment to Panoramic which would support the Debtors' assertion in the Objection to
15 Claim. Several follow up emails were also sent in November and December, 2020. Although
16 Debtors' counsel twice agreed to continue the hearing on the Objection to Claim while they
17 investigated, Debtors have not provided any documents to support the assertion in the Objection
18 to Claim. On the morning of January 4, 2021 (the current due date for Panoramic's Response to
19 the Objection to Claim), an additional email was sent to Debtors' counsel and a voice message
20 was left for Debtors' counsel. No response was received before this Response was filed. While
21 Creditor acknowledges the unenviable task of administrating all of the pending objections to
22 claims in this case, Creditor cannot risk missing the deadline of 4:00 p.m.

23 All allegations set forth in a properly filed proof of claim are taken as true and, if the
24 allegations set forth all facts necessary to establish a claim and are not self-contradictory, the
25 proof constitutes *prima facie* evidence of the validity and amount of the claim. 11 U.S.C. §
26 502(a); Fed.R.Bankr.P. 3001(f). Only after the objecting party raises "facts tending to defeat the
27 claim by probative force equal to that of the allegations of the proofs of claim themselves,"
28 (*Wright v. Holm (In re Holm)*, 931 F.2d 620, 623 (9th Cir. 1991)), then "the burden reverts to the

1 claimant to prove the validity of the claim by a preponderance of the evidence.” *Ashford v.*
2 *Consolidated Pioneer Mortgage (In re Consolidated Pioneer Mortgage)*, 178 B.R. 222, 226
3 (B.A.P. 9th Cir. 1995), *aff’d*, 91 F.3d 151 (9th Cir. 1996). “[T]he ultimate burden of persuasion
4 is always on the claimant.” *Holm*, 931 F.2d at 623.

5 In this case, the Panoramic Proof of Claim sets forth all facts necessary to establish the
6 validity of the claim and the amount owed to Panoramic. The proof of claim constitutes *prima
facie* evidence of the validity and amount of the claim. While Panoramic appreciates the Debtors
7 acknowledging that the services identified in the Panoramic Proof of Claim should have been
8 paid in full pursuant to the Court’s March 12, 2019 order [Docket No. 843], Panoramic was not
9 paid for the services identified in the Panoramic Proof of Claim. Other than a conclusory
10 declaration, Debtors have not provided any evidence to reflect that they have paid Panoramic in
11 full for the services identified in the Panoramic Proof of Claim. Debtors have not provided a
12 copy of the payment they assert was made to Panoramic, nor have Debtors provided any
13 additional details such as the amount or date of the purported payment. Mr. Kennedy’s
14 declaration states that no such payment was received by Panoramic. Consequently, the
15 Objection to Claim should be denied.
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18 Date: January 4, 2021

NOSSAMAN LLP

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/s/ Christopher D. Hughes

Christopher D. Hughes, Attorney for
Panoramic Interests, Creditor

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